

IN RE: PETITION FOR ZONING VARIANCE  
NW/8 Allender Road, 465' NW  
of the c/l of Pulaski Highway  
(5817 Allender Road)  
15th Election District  
5th Councilmanic District  
Piney Branch Motors, Inc.  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-328-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a rionce to permit a signage totaling 504 sq.ft. (252 sq.ft. per side, in lieu of the maximum permitted 336.6 sq.ft. and to permit said sign to project 10 feet above the roof line of the building to which it is attached in lieu of the permitted 0 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Dewaria S. Sherman, appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was Paul Lee of Paul Lee Engineering, Inc. No Protestants were in attendance at the hearing.

Testimony indicated that the subject property, known as 5817 Allender Road, consists of 2.52 acres more or less, split zoned M.L. and B.R.-C.S. 1 and is presently improved with a one story office building and an attached two story storage and service garage building. Testimony indicated that the M.L. zoned portion of the subject property is currently used as a trailer sales, rental and storage facility which are permitted uses. The Petitioners recently placed a trailer on top of the existing office building on which they propose advertising their business operation. Currently, signage exists on the sides of the office building. Petitioners testified the existing signage will be removed upon the granting of the requested variance. Further testimony indicated there would be

no detriment to the health, safety or general welfare of the public if the relief requested were granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md 268 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of February, 1989 that the Petition for Zoning Variance to permit a signage totaling 504 sq.ft. (252 sq.ft. per side) in lieu of the maximum permitted 336.6 sq.ft. and to permit said sign to project 10 feet above the roof line of the building to which it is

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attached in lieu of the permitted 0 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order Petitioners shall submit to the Zoning Commissioner for approval a design plan for the proposed sign which clearly depicts the size, dimension of lettering and verbiage of said sign.
- 3) Upon installation of the new sign, the old sign shall be removed and the office building painted over to disguise any trace of the old signage. No other signs shall be permitted on the subject property.
- 4) The variance granted herein is limited to Petitioners only. In the event the trailer sales, rental and storage facilities cease operation at the subject location, Petitioners will be required to remove the rooftop trailer and signage granted herein.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

-3-

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

February 28, 1989



Dennis F. Rasmussen  
County Executive

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Townson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NW/8 Allender Road, 465' NW of the c/l of Pulaski Highway  
(5817 Allender Road)  
15th Election District - 5th Councilmanic District  
Piney Branch Motors, Inc. - Petitioners  
Case No. 89-328-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. J. Edward Seaver  
5714 Allender Road, White Marsh, MD 21162

People's Counsel

File

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.6.a.3 to permit a total sign area of 504 sq. ft. (252 sq. ft. per side) in lieu of permitted 336.6 sq. ft. and section 413.6.a.2 to permit a sign to project 10' above the roof line in lieu of 0'.

The Petitioner(s) hereby petition(s) the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. As a sign is intended, to attract attention to location, etc.;
2. All uses surrounding subject property are industrial and business uses with various signs - right of property owner to identify location;
3. Location of property to public roads.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
S. Eric DiNenna  
(Type or Print Name)  
Signature \_\_\_\_\_  
409 Washington Ave., Ste. 600  
Townson, MD 21204  
City and State  
Attorney's Telephone No.: 296-6820  
Legal Owner(s): \_\_\_\_\_  
Piney Branch Motors, Inc.  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
713 Hermleigh Road  
Silver Spring, MD 20906  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna  
Address \_\_\_\_\_  
Townson, MD 21204 Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21st day of February, 1989, at 9 o'clock P.M.

(over)

Paul Lee P.E.

Paul Lee Engineering, Inc.  
304 W. Pennsylvania Ave.  
Towson, Maryland 21204  
301-821-5941

#### DESCRIPTION

#5817 ALLENDER ROAD

15TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the center of Allender Road, said point also being located northwesterly 465 feet ± from the center of Pulaski Highway; thence leaving said center of Allender Road, (1) S 61°22' W 121.75 feet, (2) S 30°38' E 223.06 feet, (3) S 46°47'45" W 248.23 feet, (4) N 62°24'07" W 176.36 feet, (5) N 18°36'30" E 441.56 feet, (6) N 18°02' E 94.69 feet, and (7) N 53°52' E 59.00 feet to the center of Allender Road; thence binding along the center of Allender Road (8) S 28°38' E 233.03 feet to the point of beginning.

Containing 2.52 acres of land, more or less.



Engineers - Surveyors - Site Planners  
10/20/88

J.O. 88058

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Townson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Piney Branch Motors, Inc.  
Location of property: NW/8 Allender Rd, 465' NW of Pulaski Hwy  
5817 Allender Rd  
Location of Sign: East side of Allender Rd, corner of Pulaski Hwy, at corner of Pulaski Hwy  
Remarks: \_\_\_\_\_  
Posted by: J. Robert Haines  
Number of Signs: 1  
Date of Posting: 1/28/89  
Date of return: 2/3/89

#### CERTIFICATE OF PUBLICATION

TOWSON, MD, February 3, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 2, 1989.

NORTHEAST TIMES  
THE JEFFERSONIAN,

Publisher

PO 09601  
reg. #125214  
ca. 89-328A  
price \$74.86

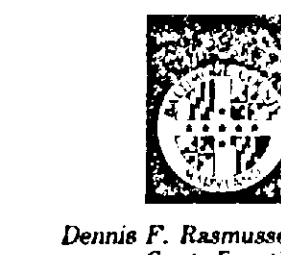
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, hereby holds a public hearing on the property described herein at Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m.  
Petition for Zoning Variance  
Hearing Date: Tuesday, Feb. 21, 1989 at 9:00 a.m.  
Piney Branch Motors, Inc.  
NW/8 Allender Road, 465' NW of Pulaski Highway  
5817 Allender Road  
15th Election District  
5th Councilmanic District  
In the event that this Notice is given a reading period may be waived within the thirty (30) day appeal period. The Zoning Commission will not entertain any request for a stay of the hearing or for a continuance of the hearing for good cause shown. Such request shall be in writing and presented in time office by the time of the hearing and shall be presented at the hearing.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

Date: 2/3/89

Piney Branch Motors, Inc.  
713 Hermleigh Road  
Silver Spring, Maryland 20906

Re: Petition for Zoning Variance  
CASE NUMBER: 89-328-A  
M/S Allender Road, 465' NW c/l Pulaski Highway  
5817 Allender Road  
15th Election District - 5th Councilmanic District  
Petitioner(s): Piney Branch Motors, Inc.  
Hearing Scheduled: Tuesday, February 21, 1989 at 9:00 a.m.



Dennis F. Rasmussen  
County Executive

Gentlemen:

Please be advised that \$1.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

JRH:gs

cc: S. Eric DiNenna, Esq.  
File







December 29, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Piney Branch Motors, Inc.

Location: NWS Allender Rd., 465' NW of c/l of Pulaski Hwy.  
5817 Allender Road

Item No.: 195      Meeting Agenda: Meeting of 11/29/88

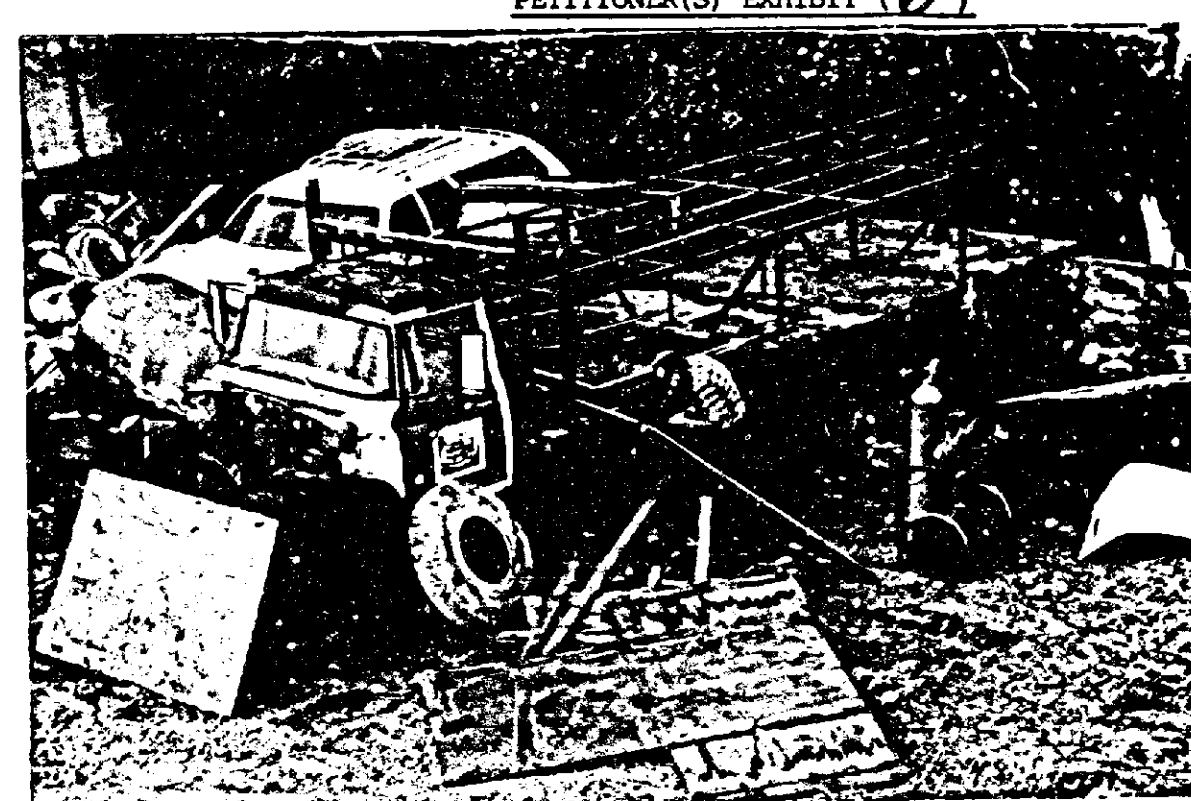
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be incorporated into the final plans for the property.

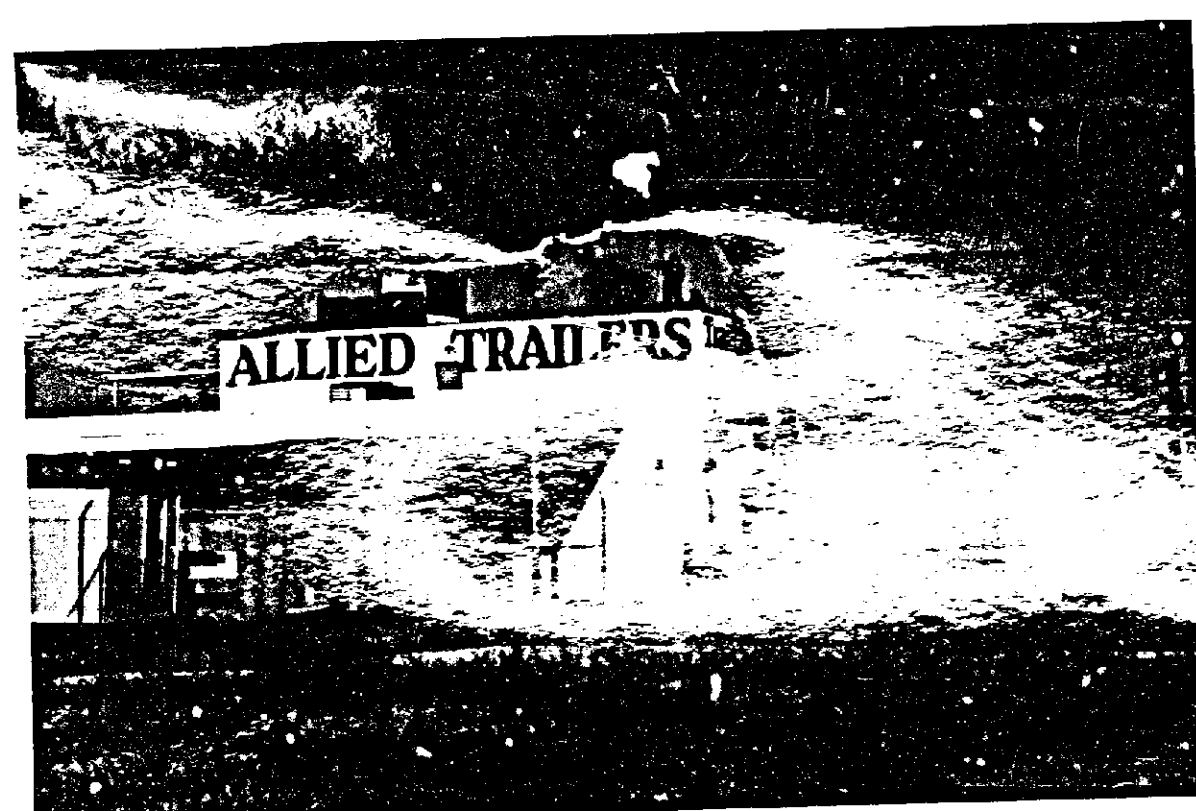
- to be corrected or discontinued.
- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
\_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. Kelly 12-29-88  
Planning Group  
Special Inspection Division

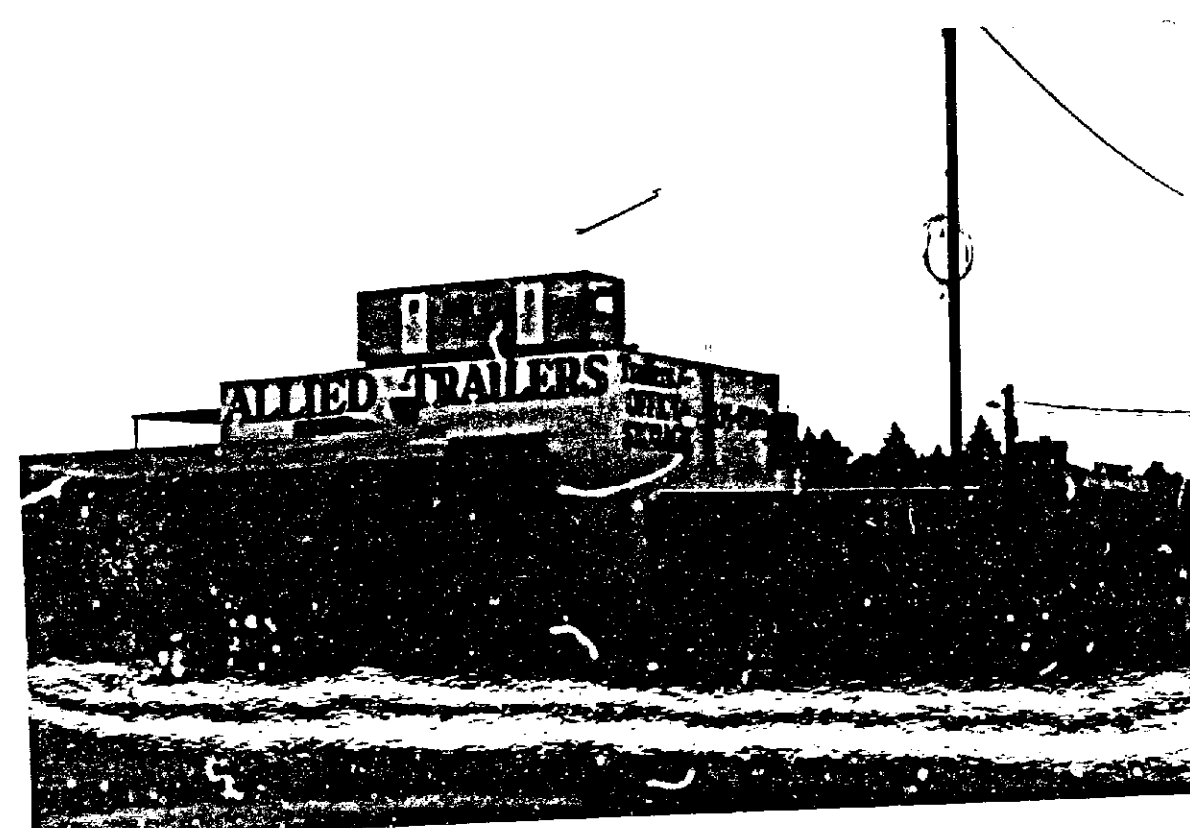
NOTED &  
APPROVED: \_\_\_\_\_  
Fire Prevention Bureau



PETITIONER(S) EXHIBIT (7)



PETITIONER(S) EXHIBIT (8)



S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.

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GERALDINE A. KLAUBER  
FRANCIS X. BORGERDING

DiNENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

SUITE 600  
 MERCANTILE-TOWSON BUILDING  
 409 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 296-6820  
 TELEFAX (301) 296-6884

February 28, 1989

Zoning Commissioner for  
Baltimore County  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 89-328-A  
Piney Branch Motors, Inc.,  
Petitioner

Dear Mr. Commissioner:

Enclosed herewith please find a check in the amount of \$89.86 made payable to Baltimore County, Maryland, for the posting and advertising costs concerning the above-captioned matter.

please forward me your decision in this matter.

Very truly yours,

SED:cjc  
cc: Mr. Charles E. Knell, Jr.  
Enclosure

RECEIVED  
FEB 23 1969  
ZONING OFFICE

SIGN VARIANCES FOR

ALLIED TRAILER SALES & RENTALS  
 75817 111 FINDER ROAD

SELECT. DIST. BALTIMORE CO., MD  
OCT. 21, 1988

1"=50'  
OCT 21  
PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVE  
TOWSON MARYLAND 21204

561#

1  
SPECIAL AGENT

EXIST. ZONING: "ML"  
EXIST. USE: "VACANT"

EX. BLOS.

EXIST. ROOF SIGN

00000